

AMENDED IN SENATE MARCH 31, 1997

**SENATE BILL**

**No. 545**

**Introduced by Senator Rosenthal**

February 24, 1997

---

---

An act to add Section 658.6 to, and to repeal and add Section 658.5 of, the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 545, as amended, Rosenthal. Operation of motorboats.

(1) Existing law makes a person who permits another person under 12 years of age to operate a motorboat, as defined, under certain circumstances guilty of an infraction and makes a person under 12 years of age who operates a motorboat under those circumstances guilty of an infraction *with specified penalties upon conviction of a violation*.

This bill, instead, would make a person under ~~12~~ 16 years of age who operates a motorboat, with a specified exception, guilty of ~~a misdemeanor~~ *an infraction* and would make a person who permits another person under ~~12~~ 16 years of age to operate a motorboat, with the specified exception, guilty of ~~a misdemeanor~~ *an infraction*. Because the bill would change the definition of, and create, new crimes, the bill would impose a state-mandated local program.

(2) Existing law does not require the operator of a motorboat on the waters of this state to possess a license to operate that motorboat.

This bill would ~~make any person, 12 years of age or older, who operates~~ *prohibit a person 16 years of age or older from operating* a motorboat on the waters of this state without a

~~valid vessel operator's license photographic identification and a boating safety identification card issued by the Department of Motor Vehicles Boating and Waterways, as specified. The bill would make a person who violates the prohibition guilty of a misdemeanor an infraction with specified penalties.~~ Because the bill would create a new crime, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 658.5 of the Harbors and  
2 Navigation Code is repealed.

3 SEC. 2. Section 658.5 is added to the Harbors and  
4 Navigation Code, to read:

5 658.5. (a) Any person under ~~12~~ 16 years of age who  
6 operates a motorboat, except for a dinghy used directly  
7 to or from a moored vessel and the shoreline, on the  
8 waters of this state is guilty of ~~a misdemeanor~~ an  
9 infraction.

10 (b) Any person who permits any other person under  
11 ~~12~~ 16 years of age to operate a motorboat in violation of  
12 subdivision (a) is guilty of ~~a misdemeanor~~ an infraction.

13 SEC. 3. Section 658.6 is added to the Harbors and  
14 Navigation Code, to read:

15 ~~658.6. (a) Any person, 12 years of age or older, who~~  
16 ~~operates a motorboat, except for a dinghy used directly~~  
17 ~~to or from a moored vessel and the shoreline, on the~~  
18 ~~waters of this state without a valid vessel operator's~~  
19 ~~license issued by the Department of Motor Vehicles is~~  
20 ~~guilty of a misdemeanor.~~

~~(b) The Department of Motor Vehicles shall issue a vessel operator's license to any person 12 years of age or older who meets one of the following criteria:~~

~~(1) Shows evidence of having successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Department of Boating and Waterways. For the purposes of this subdivision, the Department of Motor Vehicles shall maintain a list of approved boating safety courses, which may include those courses sponsored by the United States Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, or a state or local government.~~

~~(2) Has successfully passed an equivalency examination prepared by the Department of Boating and Waterways and administered by the Department of Motor Vehicles that tests knowledge of safe boating safety. The equivalency examination shall have a degree of difficulty equal to or greater than that of the examination given at the conclusion of a typical boating safety course.~~

~~(3) Holds a valid master's, mate's, or operator's license issued by the United States Coast Guard.~~

~~(c) For the purposes of this section, "valid vessel operator's license" means a motor vehicle driver's license with a motorboat operator endorsement, or a vessel operator's license or certificate containing or accompanied by photographic identification.~~

*658.6. (a) On or after the dates specified in subdivision (b), no person 16 years of age or older shall operate on the waters of this state a vessel powered by a motor of 10 horsepower or greater unless that person has in his or her possession, aboard the vessel, photographic identification and a boating safety identification card issued by the department which shows that the person has done either of the following:*

*(1) Completed a boating education course approved by the National Association of State Boating Law Administrators and certified by the department.*

1 (2) *Passed a boating education course equivalency*  
2 *examination developed or approved by the department.*

3 (b) *Subdivision (a) shall be applicable to persons*  
4 *subject to its provisions, as follows:*

5 (1) *Persons born on or after January 1, 1978, shall*  
6 *obtain the boating safety identification card on or before*  
7 *January 1, 1999.*

8 (2) *Persons born on or after January 1, 1958, but before*  
9 *January 1, 1978, shall obtain the boating safety*  
10 *identification card on or before January 1, 2000.*

11 (3) *Persons born before January 1, 1958, shall obtain*  
12 *the boating safety identification card on or before January*  
13 *1, 2001.*

14 (c) *The department may designate agents to*  
15 *administer the boating education course or boating*  
16 *education course equivalency examination and issue*  
17 *boating safety identification cards required by*  
18 *subdivision (a) under guidelines established by the*  
19 *department. The department shall ensure that boating*  
20 *education courses, boating education course equivalency*  
21 *examinations, and boating safety identification cards are*  
22 *available in each county of the state.*

23 (d) *A boating safety identification card issued to a*  
24 *person who has completed a boating education course or*  
25 *passed a boating education course equivalency*  
26 *examination is valid for life.*

27 (e) *Subdivision (a) does not apply to a person who*  
28 *meets any of the following conditions:*

29 (1) *The person holds a valid master's, mate's, or*  
30 *operator's license issued by the United States Coast*  
31 *Guard.*

32 (2) *The person operates a vessel only on a private lake*  
33 *or pond.*

34 (3) *The person is a nonresident who has in his or her*  
35 *possession proof that he or she has completed a boating*  
36 *education course or passed a boating education course*  
37 *equivalency examination in another state that meets or*  
38 *exceeds the requirements of subdivision (a).*

39 (4) *The person is exempted by rule of the department.*

1     (f) A person who violates this section is guilty of an  
2     infraction punishable in the same manner that a violation  
3     of Section 658.5 is punished pursuant to subdivision (j) of  
4     Section 668 and Section 668.1.

5     SEC. 4. No reimbursement is required by this act  
6     pursuant to Section 6 of Article XIII B of the California  
7     Constitution because the only costs that may be incurred  
8     by a local agency or school district will be incurred  
9     because this act creates a new crime or infraction,  
10    eliminates a crime or infraction, or changes the penalty  
11    for a crime or infraction, within the meaning of Section  
12    17556 of the Government Code, or changes the definition  
13    of a crime within the meaning of Section 6 of Article  
14    XIII B of the California Constitution.

15    Notwithstanding Section 17580 of the Government  
16    Code, unless otherwise specified, the provisions of this act  
17    shall become operative on the same date that the act  
18    takes effect pursuant to the California Constitution.

